

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AQUARIAN FOUNDATION,

Plaintiff,

v.

BRUCE KIMBERLY LOWNDES,

Defendant.

Case No. C19-1879RSM

ORDER DENYING PLAINTIFF'S
MOTION FOR PROTECTIVE ORDER

This matter comes before the Court on Plaintiff Aquarian Foundation ("Aquarian")'s Motion for Protective Order, Dkt. #192. This Motion was filed on August 27, 2021. Discovery closed on September 27, 2021. Dkt. #43. Aquarian subsequently moved for summary judgment, which was granted in part by this Court. Dkt. #214. A bench trial is set to begin on April 25, 2022.

Aquarian files this Motion "to protect the confidential nature of the sacred texts at the core of this dispute." Dkt. #192 at 1. In its Reply, Aquarian states:

...counsel for the Church has been trying to arrive to a compromise on the scope of the protective order since May; and should not be expected to elevate the issue to motion practice at the first sign of disagreement. Lowndes's obstinate heel-dragging delayed the possibility of compromise and forced the Church's hand to seek this Court's intervention.

Dkt. #199 at 3. The Court agrees with Aquarian. The parties should be able to agree and stipulate to a protective order in this case. Aquarian has not waived its ability to bring this kind

1 of Motion through delay, though it cannot constrain actions taken by the parties prior to being
2 entered by the Court.

3 Aquarian's proposed protective order proposes to label as "confidential" all items
4 marked as "confidential," and the Proprietary Works as defined in Plaintiff's Second Amended
5 Complaint. Dkt. #192-2 at 2. This is too broad for a protective order under the Court's Local
6 Rules. A protective order's "protection from public disclosure and use extends only to the
7 limited information or items that are entitled to confidential treatment under the applicable
8 legal principles." LCR 26(c)(2). Under the section entitled Confidential Material, the Court's
9 model protective order instructs: "[t]he parties must include a list of specific documents such as
10 'company's customer list' or 'plaintiff's medical records;' do not list broad categories of
11 documents such as 'sensitive business material.'" The Court does not see why the parties
12 cannot agree to a protective order limited to solely the agreed upon Proprietary Works.
13 Furthermore, the passage of time in this case may necessitate the parties revisiting the exact
14 terms of a protective order.
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18 Having considered the briefing from the parties and the remainder of the record, the
19 Court hereby finds and ORDERS that Plaintiff Aquarian's Motion for Protective Order, Dkt.
20 #192, is DENIED. The Court DIRECTS the parties to confer telephonically on this issue in an
21 attempt to stipulate to a protective order based on the above.
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23 DATED this 24th day of March, 2022.

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27 RICARDO S. MARTINEZ
28 CHIEF UNITED STATES DISTRICT JUDGE